

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:

UNITED STATES OF AMERICA

- v. -

DAVID ORTIZ VILLAMIZAR,

Defendant.

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USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 5/11/2022
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: CONSENT PRELIMINARY ORDER
OF FORFEITURE/
: MONEY JUDGMENT
: 19 Cr. 840 (GHW)

WHEREAS, on or about November 19, 2019, DAVID ORTIZ VILLAMIZAR (the “Defendant”), among others, was charged in two counts of a two-count Indictment, 19 Cr. 840 (GHW) (the “Indictment”), with conspiracy to operate an unlicensed money transmission business, in violation of Title 18, United States Code, Section 371 (Count One); and operation of an unlicensed money transmission business, in violation of Title 18, United States Code, Sections 1960 and 2 (Count Two);

WHEREAS, the Indictment included a forfeiture allegation as to Counts One and Two of the Indictment, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 982(a)(1), of any and all property, real and personal, involved in the offenses charged in Counts One and Two of the Indictment, or any property traceable to such property, including but not limited to a sum of money in United States currency representing the amount of property involved in the offenses charged in Counts One and Two of the Indictment;

WHEREAS, on or about May 11, 2022, the Defendant pled guilty to Count One of the Indictment, pursuant to a plea agreement with the Government, wherein the Defendant admitted the forfeiture allegation with respect to Count One of the Indictment and agreed to forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(1), a sum of money equal to \$60,110 in United States currency, representing property involved in the offense charged in Count One of the Indictment;

WHEREAS, the Defendant consents to the entry of a money judgment in the amount of \$60,110 in United States currency, representing the amount of property involved in the offense charged in Count One of the Indictment, for which the Defendant is jointly and severally liable with co-defendant Alex Barrera Forero to the extent a forfeiture money judgment is entered against Alex Barrera Forero in this case; and

WHEREAS, the Defendant admits that, as a result of acts and/or omissions of the Defendant, the property involved in the offense charged in Count One of the Indictment cannot be located upon the exercise of due diligence.

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney Damian Williams, United States Attorney, Assistant United States Attorney, Cecilia E. Vogel of counsel, and the Defendant, and his counsel, Joshua Dratel, Esq., that:

1. As a result of the offense charged in Count One of the Indictment, to which the Defendant pled guilty, a money judgment in the amount of \$60,110 in United States currency (the "Money Judgment"), representing the amount of property involved in the offense charged in Count One of the Indictment, of which the Defendant is jointly and severally liable with co-defendant Alex Barrera Forero, to the extent a forfeiture money judgment is entered against Alex Barrera Forero in this case, shall be entered against the Defendant.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Consent Preliminary Order of Forfeiture/Money Judgment is final as to the Defendant, DAVID ORTIZ VILLAMIZAR and shall be deemed part of the sentence of the Defendant, and shall be included in the judgment of conviction therewith.

3. All payments on the outstanding Money Judgment shall be made by postal money order, bank or certified check, made payable, in this instance, to United States Marshals Service, and delivered by mail to the United States Attorney's Office, Southern District of New York, Attn: Money Laundering and Transnational Criminal Enterprises Unit, One St. Andrew's Plaza, New York, New York 10007 and shall indicate the Defendant's name and case number.

4. Upon entry of this Consent Preliminary Order of Forfeiture/Money Judgment, and pursuant to Title 21, United States Code, Section 853, United States Marshals Service shall be authorized to deposit the payment on the Money Judgment in the Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

5. Pursuant to Title 21, United States Code, Section 853(p), the United States is authorized to seek forfeiture of substitute assets of the Defendant up to the uncollected amount of the Money Judgment.

6. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.


7. The Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.

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8. The signature page of this Consent Preliminary Order of Forfeiture/Money Judgment may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

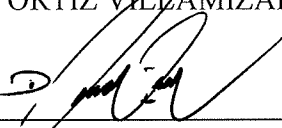
AGREED AND CONSENTED TO:

DAMIAN WILLIAMS
United States Attorney for the
Southern District of New York


By: 
CECILIA E. VOGEL
TARA M. LA MORTE
Assistant United States Attorneys
One St. Andrew's Plaza
New York, NY 10007
(212) 637-1084/1041

5/9/22
DATE

DAVID ORTIZ VILLAMIZAR


By: 
DAVID ORTIZ VILLAMIZAR

5/9/22
DATE

By: 
JOSHUA DRATEL, ESQ. - *Lindsay Lewis*
Law Offices of Dratel & Lewis
29 Broadway, Suite 1412
New York, New York 10006

5/11/22
DATE

SO ORDERED:


HONORABLE GREGORY H. WOODS
UNITED STATES DISTRICT JUDGE

May 11, 2022
DATE